

NEWPORT BEACH HARBOR COMMISSION MINUTES
Draft Until Approved
City Council Chambers
June 13, 2012

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Ralph Rodheim, Chair
 Brad Avery
 Marshall Duffield
 Duncan McIntosh
 Karen Rhyne
 Doug West – (Absent)
 David Girling

Staff Members: Chris Miller, Harbor Resources Manager
 Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Commissioner Marshall Duffield

4) SPECIAL CEREMONY RECOGNIZING COMMISSIONER DUFFIELD'S LAST HARBOR COMMISSION MEETING. PUBLIC COMMENTS WELCOME.

Chair Rodheim introduced the item noting this is Commissioner Duffield's last Harbor Commission meeting.

Harbor Resources Manager Chris Miller listed Commissioner Duffield's qualities and accomplishments over his many years of service. Members of the Commission provided positive comments on his service and expressed their gratitude for his service to the City. Staff acknowledged his leadership in the Harbor Dredging project and presented him with a sample of the pre-dredging sediment and a "golden cleat". It was noted that Commissioner Duffield has played a significant part with his leadership on the Mooring Master Plan Sub-committee. He was presented with a chart signed by those wishing him well.

Interested parties were invited to address the Commission on this item.

Chuck South commended Commissioner Duffield for his accomplishments and wished him well.

Dan Purcell, Corona del Mar, expressed his appreciation and noted he looks forward to his future contributions to the City.

Carter Ford congratulated Commissioner Duffield for his accomplishments and stated he will look forward to further contributions.

Len Bose expressed his appreciation to Mr. Duffield for his contributions and leadership.

Chair Rodheim reported this is his last night as Chair of the Commission as the meeting in July will include the election of a new Chair and Vice Chair.

5) PUBLIC COMMENTS

Chair Rodheim invited public comments on issues that are not on the agenda. There being no response, Chair Rodheim closed the public comments portion of the meeting.

6) APPROVAL OF MINUTES from May 9, 2012

A correction was noted on the Minutes from the May 9, 2012 meeting of the Harbor Commission regarding the Public Comments portion where Jim Mosher requested that copies of the Harbor Guide be distributed, not to the Central Library, but to City Hall.

A clarification was made regarding sub-committee reports noting that Virgin Oceanic is currently not paying.

Motion: Commissioner Rhyne made a motion to approve the minutes of the Harbor Commission meeting of May 9, 2012, as amended. Commissioner Girling seconded the motion, which carried with 6 ayes and 1 absent (West). Approved.

7) CURRENT BUSINESS

A. *Appointment of Commissioners to an Anchorage Subcommittee*

The Harbor Commission will nominate no more than three (3) Commissioners to serve on an Anchorage Subcommittee which will evaluate the effectiveness of the temporary anchorage location at the west end of Lido Isle during the Lower Bay Dredging Project, then report back to the Commission with recommendations for future action, if any.

Recommendation:

1. Nominate no more than three (3) Commissioners to serve on the Anchorage Subcommittee.

The Chair read title to the aforementioned item and deferred to staff for a report.

Harbor Resources Manager Chris Miller addressed the current location of the Anchorage. In order to grant the dredgers access to and from the areas needing to be dredged, the Anchorage had to be relocated. He stated this provides an excellent opportunity to study the area for success and have one to three Commissioners monitor it and report back to the Harbor Commission.

Chair Rodheim added that currently, the guest mooring area is not in the main turning basin and is successful for all of the activity in the main mooring area. Comments have been received regarding the west area. He asked for volunteers to determine the pros and cons of the various locations and receive feedback.

Commissioner McIntosh, Avery and Girling volunteered to be part of the Anchorage Subcommittee. The Chair noted there is no sense of urgency but it was requested that a report be presented later in the year.

B. *Harbor Commission Participation on the Tidelands Management Committee's Citizens Advisory Panel*

The Harbor Commission will nominate no more than one (1) Commissioner to be considered by the Tidelands Management Committee to serve on the Citizens Advisory Panel.

Recommendation:

1. Nominate no more than one (1) Commissioner to be considered by the Tidelands Management Committee to serve on the Citizens Advisory Panel.

Chair Rodheim reported that it has been pointed out that the Commission can appoint one Commissioner to participate in the Tidelands Committee Citizens Advisory Panel.

Motion: Chair Rodheim made a motion to appoint Commissioner West to the Tidelands Committee Citizens Advisory Panel. Commissioner Avery seconded the motion, which carried with 6 ayes and 1 absent (West). Approved.

C. *Virgin Oceanic Mooring in Newport Harbor – Potential City Partnership*

Virgin Oceanic is proposing a partnership with the City in support of the Five Dives Project. In exchange for publicity for the City via marketing, website visibility and the adoption of the vessel Cheyenne as Newport's flagship vessel, Virgin Oceanic would receive free moorage for the Cheyenne while in Newport Harbor.

Recommendation:

1. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided free of charge for the vessel Cheyenne; or
2. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided for a prorated cost based on the months used; or
3. Recommend to the City Council another partnership scenario as determined by the Harbor Commission; or
4. Recommend that the City not participate in a partnership with Virgin Oceanic.

Commissioner Girling presented a brief summary of the project noting that Virgin Oceanic is proposing a partnership with the City in support of the Five Dives Project. In exchange for publicity for the City via marketing, website visibility and the adoption of the vessel Cheyenne as Newport's flagship vessel, Virgin Oceanic would receive free moorage for the Cheyenne while in Newport Harbor. He addressed action by the Harbor Commission to start charging Virgin Oceanic for mooring.

He noted there seems to be an educational component that would be beneficial to the community, opportunities for the City and positive press for the City. However, Commissioner Girling stated that any concessions must be justified and must be beneficial to the City. He reported meeting with Mr. Welsh and noted that the Nautical Museum, Sea Base and Visit Newport Beach are very supportive of the program. He presented pictures of the vessel and videos illustrative of the possibilities of a partnership with the City. Commissioner Girling presented the recommendations as listed above.

Discussion followed regarding the cost of the project compared to mooring fees.

Commissioner McIntosh expressed concerns with past track records and the length of time the project is taking. He suggested a fifth option including a renewable yearly agreement depending on the progress made.

Commissioner Avery agreed with Commissioner McIntosh and felt that a five-year term is a long time. He felt that a mooring fee is nominal compared to the expenses of operation. He addressed the footprint and felt that waiving the mooring fees was an extraordinarily generous thing for the City to provide. He questioned forming a partnership versus showing support.

Mayor Gardner expressed concerns with the financing source of the project noting that Mr. Welsh is financing most of it and questioned what the value with Richard Branson's involvement.

Commissioner Rhyne agreed with a yearly term and that there would be no charges when not there.

It was noted that space was created for them initially and is taking space away from expansion and other benefits.

Commissioner Girling stated agreement with Commissioner Avery regarding the City's generosity. He had hoped that Mr. Welsh attended at this time to address more specific benefits but indicated the he believes it's fair to charge the fair market rate.

Commissioner McIntosh commented on the size of the James Cameron submarine.

Commissioner Avery indicated this will be reviewed again and may bring a different value next year for the City.

Discussion followed regarding the going with what was previously voted which was to charge mooring fees for another year. It was noted that fees would be retroactive, starting in January 2012.

Interested parties were invited to address the Commission on this item.

Dan Purcell felt the project will not explore locally and questioned its educational component. He suggested performing a multi-point measurement for determining mooring fees.

Chris Welsh stated benefits with a partnership with the City would include publicity and attention and noted that Monaco is sponsoring the science portion of the dives with a \$500K donation. He reported there will be local dives this weekend and three-four months of shallow-water diving and will be going to Puerto Rico in October or November for deeper dives. He reported that the Nautical Museum will be filming aboard the Cheyenne within the next few weeks and noted the participation of local community groups for events.

Jim Mosher inquired regarding the yearly mooring rate.

There being no one else wishing to address the Commission on this item, public comments were closed.

Motion: Commissioner McIntosh made a motion to approve the mooring of Cheyenne in C-field, charging an annual permit mooring. Commissioner Rhyne seconded the motion

Discussion followed regarding revisiting the issue in December 2012.

Chair Rodheim suggested charging only while the vessel is in the Newport Harbor by a calculation of one day equals one month.

Motion: Commissioner McIntosh moved to accept the amendment to the motion; Commissioner Rhyne seconded amending the motion, which carried with 5 ayes, 1 nay and 1 absent (West). Approved.

Amended Motion: Commissioner McIntosh move to approve the mooring of Cheyenne in C-field and charge only while the vessel is in the Newport Harbor by a calculation of one day equals one month. Commissioner Rhyne seconded the amended motion, which carried with 5 ayes, 1 nay and 1 absent (West). Approved.

8) SUBCOMMITTEE REPORTS

Commissioner Avery reported on the Visioning Task Force felt there has been a lack of enforcement relative to development and found there is a general contentment with the status quo of the Harbor. He reported conducting interviews with elected officials as well as the general public and wrote an article for the Daily Pilot which turned into a Letter to the Editor which received various responses. In addition, Commissioner Avery reported meeting with twenty-five (25) harbor stakeholders to get input. He noted there were no grand statements regarding the need to go in any direction. He stated reviewing the Harbor and Bay Element and the HAMP and felt that the vision of the Harbor is spelled out well and developed a list of goals and objectives including connectivity and public access. He felt that the Harbor could use a public launching ramp.

He addressed Marina Park and Mayor Gardner noted the item was approved by the Coastal Commission. Commissioner Avery addressed Mariner's Mile Walk, Lido turning basin, long term dredging solution, permitting solution, enhanced mooring usability and stated that mooring should not be a storage solution but rather a boat usage solution. In addition he address the summer water taxi service and continuing efforts in providing additional dock space for small boats. He stressed the need for additional administrative support to accomplish goals and provide some level of Code Enforcement. Commissioner Avery addressed challenges related to new upland development relative to the design character of the Harbor and water-dependent uses as well as developing solutions to permanent, on-going dredging in the Harbor. He addressed the number and size of tour and entertainment vessels and the visual blending of large vessels.

Commissioner Avery addressed the environment noting that a road map is available through the Harbor and Bay Element.

Mayor Gardner acknowledged that the Harbor Commission has done a great job in identifying businesses but indicated there is a challenge in retaining and encouraging water-dependent uses. She stressed the need to be creative in maintaining these water dependent uses.

Discussion followed regarding developing different solutions and advocate for the preservation of the design character of the Harbor with the City, Code Enforcement issues, the possibility of off-shore marinas and reducing mooring footprints. Ensuing discussion followed regarding developing a presentation for the Tidelands Management Committee.

Mayor Gardner agreed with providing a presentation detailing the areas where work is in progress and those areas to be explored.

Interested parties were invited to address the Commission on this item.

Dan Purcell commended Commissioner Avery for the quality of the report.

There being no others wishing to address the Commission, public comments were closed.

Commissioner Rhyne reported that the Coastal Commission approved the Marina Park project and did not change the Marina but only changed the lighthouse.

Brief discussion followed regarding the possible elimination of the Department of Boating and Waterways.

Commissioner Duffield addressed alternative dredging and reported speaking with Tom Rossmiller who agreed with his concept of dredging using smaller, manageable equipment and retaining the services of a full-time employee to help with permitting responsibilities. He reported Mr. Rossmiller's suggestion that the City buy a barge for local contractors to lease and make the equipment available for anyone who wanted to bid on projects. He addressed process used in the City of Santa Cruz and felt the City should take note. He suggested ways of generating funds for equipment including participation by private property owners.

Commissioner Duffield addressed an eelgrass strategy for the bay including installation of artificial eelgrass and suggested that a few Commissioners volunteer to meet with Chris Miller and Dave Kiff to discuss the various possibilities, soon.

It was noted that a presentation is scheduled to the Tidelands Management Committee, Wednesday, June 20, 2012, at 4:00 p.m. at OASIS.

Discussion followed regarding the status of the RGP-54.

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Mayor Gardner reported on a recent meeting with Representative Dana Rohrbacher, the Army Corps of Engineers and others and noted that the re-districting will not hurt the City and may help. She reported that

Mr. Rohrbacher lives nearby, understands water issues and dredging and expressed interest in "One and Done". She reported there will be a report on copper paint at the upcoming CBWQ meeting. In addition, Mayor Gardner reported that interviews for Commissioner Duffield's replacement have been conducted and a decision made at an upcoming Council meeting.

Discussion followed regarding the City charging tidelands fees for commercial properties and residential piers.

10) HARBOR RESOURCES UPDATE – Receive and File

Harbor Resources Manager Miller presented an update of the Lower Bay dredging including coordination with Anchor QEA and the Port of Long Beach. He noted the Port has expressed to work further with the City. He addressed other issues including capacity and the containment dyke.

Discussion followed regarding Dutra's dredge barge.

Mr. Miller addressed access channels and areas completed. He addressed distribution of weekly updates and provided a comparison (before and after) of various areas including identification of a "wish list" for areas to dredge. The later issue will be presented to Council for their consideration. He addressed buoys, Harbor Isle and channels and testing and disposal of materials.

It was noted that as the barges go out of the Harbor, they leak. Mr. Miller indicated that in theory, the barges should be water-tight and he will follow up regarding the issue.

Mr. Miller announced that the National Marine Fishery Service (NMFS) has currently in place, the Southern California Eelgrass Mitigation Policy. He addressed criticisms and challenges of the process and reported the NMFS will be reviewing and studying the issue again to update the policy. He noted that they are holding public workshops and encouraged participation.

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

None

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Chair Rodheim reported that it was brought to his attention that there is a property on the Rhine Channel that is being publicized in local newspapers as a wonderful \$9 million residential property. He checked with a Member of the Planning Commission who indicated that the property has never been zoned residential but rather mixed use. He indicated he checked with the City Manager who indicated he would look into it.

Commissioner Rhyne reported on the DBAW regarding a bill to omit the Department of Cal Boating (SB623) from the reorganization. She noted there is positive feedback from Los Angeles area legislators.

Commissioner Duffield expressed his appreciation to Len Bose for his article.

Discussion followed regarding derelict boats.

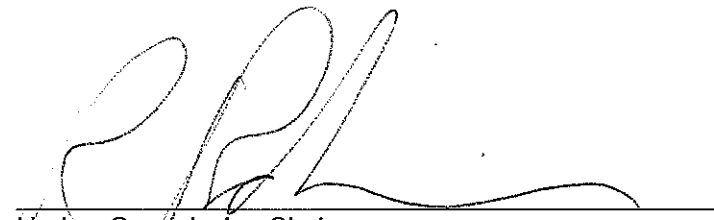
13) DATE AND TIME FOR NEXT MEETING:

Wednesday, July 11, 2012. 6PM.

14) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:00 p.m.

The agenda for the Regular Meeting was posted on June 8, 2012 at 2:57 PM on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.



Harbor Commission Chair